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January 8, 2016

The Honorable Charles R. Breyer
United States District Judge
United States District Court for the
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Jason J. Thompson's Plaintiffs' Steering Committee Application,
*In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products
Liability Litigation*, MDL No. 2672

Dear Judge Breyer:

As directed in Pretrial Orders Nos. 1 and 2 (Dkts. 2 and 336), I respectfully submit my resume and application for appointment to the Plaintiffs' Steering Committee ("PSC") representing owners of affected vehicles.

Professional Experience in Plaintiff Consumer Rights Class Action Litigation

Sommers Schwartz, P.C., is a plaintiff law firm of approximately thirty attorneys who represent clients in a variety of matters. I lead the Complex Litigation Department's eleven attorneys, five paralegals and support staff, and several independent contract attorneys. We handle a variety of complex litigation, including MDLs, class actions, and Fair Labor Standards Act collective actions, and involving consumer protection, antitrust, wage and hour disputes, and mass torts.

A significant amount of my work involves negotiating class action settlements and case management orders. In fact, it is my primary role as senior partner in my department. Class settlement structures and scheduling are prominent topics in the Complex Litigation course I teach at the Michigan State University College of Law. I would be a valuable asset to the PSC and will contribute significantly to reaching a timely settlement that will make consumers proud.

Here are some of my more important MDL leadership experiences at the PSC level:

- Damages Steering Committee, *In re: Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406, N.D. Alabama, Hon. R. David Proctor, (205) 278-1980;
- PSC (Informal Committee) for Direct Purchasers, *In re: Automotive Parts Antitrust Litigation*, MDL No. 2311, E.D. Michigan, Hon. Marianne O. Battani, (313) 234-2625;
- Executive Committee, *In re: Northstar Education Finance, Inc., Contract Litigation*, MDL No. 1990, D. Minnesota, Hon. Donovan W. Frank, (651) 848-1290;



- Executive Committee, *In re: Amgen Off-Label Marketing Litigation*, MDL No. 1934, C.D. California, Hon. Philip S. Gutierrez, (213) 894-1565;
- Discovery Chair, *In re: Ditropan XL Antitrust Litigation*, MDL No. 1761, N.D. California, Hon. Jeffrey S. White, (510) 637-3541;
- Third-Party Payer Allocation Counsel and Purchase Claims Committee, *In re: Bextra and Celebrex Marketing, Sales Practices, and Product Liability Litigation*, MDL No. 1699, N.D. California before Your Honor;
- Bellwether Trial Team and Purchase Claims Committee, *In re: Vioxx Products Liability Litigation*, MDL No. 1657, E.D. Louisiana, Hon. Eldon E. Fallon, (504) 589-7545;
- Purchase Claims Committee, *In re: Neurontin Sales and Marketing Litigation*, MDL No. 1629, D. Massachusetts, Hon. Patti B. Saris, (617) 748-9175;
- Purchase Claims Committee, *In re: Zyprexa Products Liability Litigation*, MDL No. 1596, E.D. New York, Hon. Jack B. Weinstein, (718) 613-2520; and
- Third-Party Payer Allocation Counsel, *In re: TriCor Direct Purchaser Antitrust Litigation*, No. 05-340, D. Delaware, Hon. Sue L. Robinson, (302) 573-6310.

In addition, I have held significant leadership roles in many complex cases outside the MDL context, serving as Lead or Co-lead Class Counsel, some of which include:

- *Stanley v. United States Steel Corporation*, E.D. Michigan, Hon. Avern Cohn, (313) 234-5351;
- *Avio, Inc. v. Alfocchino, Inc., et al.*, 10-10622, E.D. Michigan, Hon. Victoria A. Roberts, (313) 234-5230;
- *Wright v. Jacob Transportation Services, LLC, et al.*, 15-00056, D. Nevada, Hon. Jennifer A. Dorsey, (702) 868-4960;
- *Wilson v. Maxim Healthcare Services*, 14-00789, W.D. Washington, Hon. Robert S. Lasnik, (206) 370-8810;
- *Cardoza v. Bloomin' Brands Inc., et al.*, No. 13-01820, D. Nevada, Hon. Nancy J. Koppe, (702) 464-5550;
- *Matthews v. Convergys Corp., et al.*, No. 14-00125, W.D. North Carolina, Hon. Max O. Cogburn, Jr., (828) 771-7250;
- *Ingram v. Passmore Towing & Recovery*, No. 14-00004, N.D. Alabama, Hon. Abdul K. Kallon, (205) 278-1740;
- *Terry v. TMX Finance LLC, et al.*, No. 13-06156, N.D. Illinois, Hon. Harry D. Leinenweber, (312) 435-7612;
- *Ross v. Jack Rabbit Services, LLC, et al.*, No. 14-cv-00044, W.D. Kentucky, Hon. Thomas B. Russell, (270) 415-6430;
- *Lawrence v. Maxim Healthcare Services*, No. 12-cv-02600, N.D. Ohio, Hon. Christopher A. Boyko, (216) 357-7151;
- *Stelmachers v. Maxim Healthcare Services*, No. 13-1062, N.D. Georgia, Robert L. Vining, Jr. (Ret.);
- *Williams v. Sykes Enterprises, Inc.*, No. 13-946, D. Minnesota, Hon. John R. Tunheim, (612) 664-5080;



- *Flores v. Velocity Express, Inc.*, No. 12-05790, N.D. California, Hon. Jon S. Tigar, (415) 522-2067; and
- *Jimenez, et al. v. Allstate Insurance Company, et al.*, No. 07-14494, E.D. Michigan, Hon. Stephen J. Murphy, III, (313) 234-2680.

Willingness and Ability to Commit to the Litigation and Work Cooperatively with Counsel

During my 24 years in practice, I have amassed extensive experience negotiating fair settlements that properly compensate consumers and disgorge the defendant's ill-gotten profits. Also of note, my work in and wage and hour cases and Third Party Payor ("TPP") price-gouging litigation against pharmaceutical companies involves significant economic modeling, my undergraduate degree from the University of Southern California is in Economics, and I am a member of my firm's Board of Directors. I have worked with financial issues for many years.

I am constantly collaborating with other plaintiff lawyers and engaging in meet-and-confer sessions with defense counsel as a class action lawyer. I understand how to establish the level of communication and organization required to keep a team of many firms informed, focused, and functioning smoothly. Again, my professional focus today is working with my fellow plaintiff and defense counsel to negotiate case management orders, resolve discovery disputes, and negotiate settlement structures for final court approval.

Lastly, I am immediately able and willing to commit as much time as necessary and make this litigation my top priority. I have been retained by thirty clients who purchased affected vehicles in twelve states, and I filed their cases in the Eastern District of Michigan.¹ My case load and firm responsibilities were already adjusted to ensure I was available, as asked by Judge Gerald E. Rosen, to assist lead counsel in early mediation efforts. Being appointed to the PSC in this case would be a tremendously exciting assignment and a treasured privilege.²

I look forward to the opportunity to answer any questions Your Honor may have about my qualifications at the January 21, 2016 case management conference.

Respectfully,

SOMMERS SCHWARTZ, P.C.

A handwritten signature in black ink, appearing to read "Jason J. Thompson", written over a horizontal line.

Jason J. Thompson

JJT/wev

¹ Arizona, Connecticut, Florida, Idaho, Michigan, North Carolina, Nevada, Ohio, Oklahoma, Oregon, Texas, and Washington.

² Attorneys endorsing my application and leadership abilities are listed in *Attachment B*. Their endorsements are a product of their positive first-hand experiences collaborating with me on past projects—not the result of a stranger's request for a reciprocal endorsement.